IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE V.K.MOHANAN

TUESDAY, THE 13TH NOVEMBER 2007 / 22ND KARTHIKA 1929

FAO.No. 250 of 2007()

OS.504/2007 OF II ADDL.SUB COURT,TRIVANDRUM
.....

APPELLANT/DEFENDANT

ANNA MANIKANTAN NAIR FORMERLY KNOWN AS
ANNA PETER, T.C.8/1295, NEAR CLIFF HOUSE,
NANTHANCODE, TRIVANDRUM.

BY ADV. SRI.R.S.KALKURA
SRI.M.S.KALESH
SRI.HARISH GOPINATH
SRI.V.VINAY MENON
SRI.M.AJAY (IRUMPANAM)

RESPONDENTS: PLAINTIFF

SOBHA V.S., T.C.11/1535(1)
DEVASWOM BOARD JUNCTION, TRIVANDRUM.

BY ADV. SRI.RAJEEV V.KURUP

THIS FIRST APPEAL FROM ORDERS HAVING BEEN FINALLY HEARD ON 13/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

F.A.O. NO. 250/2007

ORDER ON I.A. NO. 3146/2007 IN F.A.O. 250/2007

// DISMISSED//

SD/-
P.R. RAMAN, (JUDGE)

SD/-
V.K. MOHANAN, (JUDGE)

// TRUE COPY //

P.S. TO JUDGE.

KNC/-

P.R. RAMAN & V. K. MOHANAN, JJ.

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F.A.O. NO. 250 OF 2007.

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DATED THIS, THE 13TH DAY OF NOVEMBER, 2007.

J U D G M E N T

Raman, J.

The defendant in O.S. 504/2007 and the counter petitioner in I.A. 3831/2007 is the appellant herein. The respondent herein as the plaintiff, filed I.A.. 3831/2007 for an injunction against the defendant/appellant from alienating or altering the plaint schedule property till the disposal of the suit and to communicate the said order to the Pattam Sub Registrar Office. The court after hearing the parties, allowed the prayer. Accordingly, the appellant is restrained from alienating the property or altering the nature of the same till the disposal of the suit. However, there are two schedules attached to the plaint, ie. A schedule and B schedule. Plaint B schedule alone is the subject matter of the suit, which is part of A schedule. As such this Court, while admitting the appeal, restricted the interim injunction to plaint B schedule alone. Since admittedly, plaint A schedule is a larger extent, in respect of which no relief is claimed in the suit and the relief sought for is confined to plaint B schedule, the court below ought to

have clarified this position while passing the interim order.

2. Having heard both sides, the injunction order passed by the court below is modified confining to B schedule. If the pleadings are completed and the suit is ripe for trial and if a request is made by the parties, the trial of the suit be expedited.

The F.A.O. is disposed of as above.

P.R. RAMAN,
(JUDGE)

V. K. MOHANAN,
(JUDGE)

knc/-